

HEALTH (1952) Department.

Ms. SERIES.

G.O. NO. (Ms) 442. *Heald*

1/4

Dated 11th February, 1952.

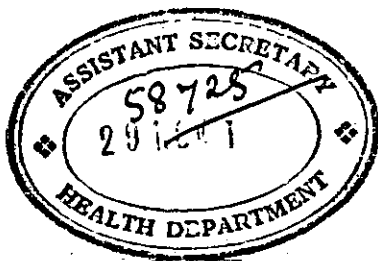
[Despatch Abstract.]

MEMORIAL - Srimathi Albina D'Souza, Ex-Maternity Assistant, Vandse, South Kanara District - Against termination of services - Orders passed.

By *12/11/51* To

✓
THE SECRETARY TO GOVERNMENT
PUBLIC HEALTH DEPARTMENT
FORT ST. GEORGE,
MADRAS. 9.

for perusal
in appeal
29/11/51
29/11/51



Humble Memorial from Srimathi Albina D'Souza, Registered Maternity Assistant, Sastan, Sastan P.O., Udipi Taluk, South Kanara District.

The Memorialist begs to submit this memorial against the order P.No.338-G.2/51 dated 12-11-1951 of the Director of Medical Services, Madras, declining to interfere with the order of the District Medical officer South Kanara, who terminated the services of the memorialist on no sufficient grounds.

pp 3 infra

2. The Director's order herein enclosed does not show any reasons why he declined to interfere. The Memorialist is therefore afraid that he did not take all the circumstances of the case into his consideration and she is thus constrained to submit this memorial with the hope that justice may be done to her at least by this highest Authority.

pp 5-7 infra

pp 5-7 infra

3. The memorialist has stated at length in her appeal to the Director of Medical Services the various irregularities committed in the proceedings held in the case foisted against her by the R.M.P. of Vandse. A copy of the appeal is enclosed herewith for convenient reference. The most important of the irregularities committed were (1) the failure to supply the memorialist with copies of statements made by the witnesses against her and (2) the failure to allow the memorialist to cross-examine the witnesses. The report made by the R.M.P. that copies of statements were tendered but refused to be received by the memorialist is utterly false because they were quite necessary for her in submitting her defence and she could never have refused to receive them. It is curious that

Albina D'Souza

P.T.O.

the District Medical Officer believed the R.M.P's Report. Knowing that the Memorialist and the R.M.P. were not pulling together amicably the District Medical Officer ought to have sent the statements to the Memorialist by Registered Post just as he had sent some references by Registered post on some other occasions. These irregularities themselves are sufficient to vitiate the proceedings and also the order of termination of her services.

4. The Memorialist is a trained mid-wife and has a meritorious service of 28 years. She has served under many Medical Officers but none of them complained against her. The Vandse R.M.P. did not want any maternity Assistant at that place during that time as he could not have his despotic rule there. This is evidently the reason that there was no maternity assistant at that place for five years before the Memorialist joined there.

5. The Government may be pleased to peruse all the records of the case to see whether the proceedings in the case were held strictly in accordance with the rules. If not, the Government has on principle of natural justice and equity to quash the orders of the D.M.O and the Director of Medical Services and allow the Memorialist to enter upon her duties. Apart from all that has been stated above the Government may be pleased to see whether the charges against the Memorialist are so heinous as to inflict the extreme penalty of termination of her services after 28 years of past work or whether a transfer of the Memorialist to some other place as suggested by the President District Board would not have sufficed to meet the ends of justice.

6. The Memorialist therefore prays that the benign Government may be graciously pleased to do justice in this matter of wrongful termination of service and save her from the painful and costly course of seeking redress in a Court of Law; for which act of benevolence she will be very grateful as in duty bound.

Sastan

26-11-51

Albina D'Souza
Memorialist.

3
Copy of P.No.338-G.2/51 dated 12-11-51, issued by the Director of Medical Services, Madras - 6.

Sub: Medical Institutions - Rural Dispensary, Vandse, South Kanara District - Srimathi Albina D'Souza - Ex-maternity Assistant - Termination of services - Appeal - Against the orders of the District Medical Officer.

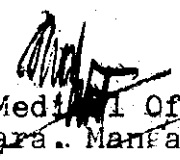
Ref: Petition dated 12-3-51 of Srimathi Albina D'Souza.
2. Letter Boc.No.1542-HC/51 dated 2-5-51 from the District Medical Officer, South Kanara.

The Director of Medical Services declines to interfere with the orders issued by the District Medical Officer.

F.Dis.No.4962-HC/51 dated 19-11-51.

Copy to Srimathi Albina D'Souza, Regd. maternity Assistant. Sastan P.O. Udipi Taluk, for information.

PR.


District Medical Officer,
South Kanara. Mangalore.

To

THE SURGEON GENERAL WITH THE GOVERNMENT OF MADRAS,
M A D R A S.

Appeal petition of Mrs. Albina D'Souza,
Ex-midwife of Vandse Rural Dispensary
Kundapur Taluk, South Kanara District.

Being highly aggrieved by the order of the District Medical Officer, South Kanara, in his R.O.C.No.5049/HC/50 dated 28-2-1951 terminating her services with immediate effect:

Sir,

1. The appellant passed midwifery training in the year 1923 and ever since that date she has been working continuously as a mid-wife at number of places and has put in a total service of 28 years. There has not been a single complaint against her conduct or services as a midwife by any one of the medical officers under whom she had worked. In proof of the appreciation of her services during these years most of the doctors had given her certificates of Good conduct and efficient service. She is enclosing herewith true copies of three of such certificates, the original of which will be produced at the time of the enquiry.

2. Before she was posted to Vandse she was a midwife attached to the Rural Dispensary at Kokkarne. While there, she took leave for a few months on loss of subsidy. While on leave she was posted as the midwife of Vandse, though it is irregular. She took charge at the latter place on 10-5-1950.

3. She had hardly worked in Vandse for a month or two when troubles began. It is very interior and malarial place to which no midwife was willing to go and in consequence the post was vacant for over five years before the appellant joined. The Rural medical Practitioner of the place is a native of Karkada village few miles from Vandse and has been there for the last 5 or 6 years. He has entrenched himself

Albina D'Souza

P. T. D.

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there and is a force in the locality to be counted. From almost the outset he took a strong dislike towards the appellant and began to harass her and her husband who has been with her. He is said to have submitted a number of reports against the appellant to the District Medical Officer, South Kanara. The President of the District Board, South Kanara, deputed Sri.K. Soorappa Shetty, B.A.,B.L., Advocate and member District Board, South Kanara, to enquire into certain allegations against the R.M.P.Vandse. After enquiry on 15-12-1950 at Vandse, he reported to the President that the R.M.P. and the appellant were at logger-heads. Subsequently on 9-2-1951, he again wrote to the President that since the feelings between the R.M.P. and the appellant were very much strained it was necessary in the interests of both as well as in the interests of the public to transfer either of them from the place and that the midwife was willing to be transferred from the place. President in his R.O.C.33040/50-A4 dated 20-2-1951 had recommended to the District Medical Officer that the midwife might be posted to some other place.

4. In the meanwhile on the reports of the R.M.P. the D.M.O was pleased to frame 5 charges against the appellant a copy of PP3-4 (1) which is herewith enclosed. It is submitted that there was no evidence for and substance in the charges except the biased reports and one sided evidence on behalf of the R.M.P. by his henchmen. The appellant was never allowed the right to cross-examine the witnesses. Later when she asked for the statements of the witnesses who deposed against her, no statements were given to her and all the while she had to grope in the dark without exactly knowing on what evidence the charges were framed against and what she had to meet. She now learns from the order of dismissal that the copies of the statements had been sent to the R.M.P. Vandse to be delivered to the appellant and he had reported to the D.M.O that the appellant had refused to accept them. It is submitted that the report of the R.M.P. is totally false. The R.M.P. never offered to hand over the statements to her nor informed her as to their having been sent to him for delivery. On 19-2-1951, the appellant sent a reminder to the

Albina D'souza

P. T. on

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D.M.O asking for the copies again but no reply was sent to the same. It is submitted that knowing fully the state of feelings between the R.M.P and this appellant it was not proper to have sent the statements to the R.M.P while the previous and subsequent communications had been sent to her by direct registered post. While she was waiting for the said statements, she received the order of the D.M.O terminating her services. It came as a complete surprise to her as she is quite innocent of the baseless and malicious charges levelled against her by the R.M.P. and was confident of defending herself to the complete satisfaction of the D.M.O. if given proper opportunities and facilities. By this abrupt and one sided enquiry, she had no opportunity to defend herself properly and the order passed against her under such circumstances is not valid and liable to be set aside.

pp 109-110 (A)

5. Moreover, the R.M.P. while claiming his subsidies for the months of December 1950 and January and February 1951 for himself, failed to claim that of the appellant. Though the appellant reminded the D.M.O of the non-payment of the same on several occasions it has not been paid till now for no reason whatsoever.

Hence the appellant prays that the order of the D.M.O appealed against may be set aside as unjust and illegal and inequitable and the appellant reinstated into service again. In any case she prays that she may at least be given one opportunity to meet the charges against her.

Vandse,
Date 12-3-1951. |

Sd. Albina D'Souza

Appellant.

(True copy)

Submitted to the Secretary to Government Public Health
Department, Fort St. George, Madras.

Sastan,
Date. 26-11-51 |

Albina D'Souza

Registered Maternity Assistant,
Sastan, Sastan P.O.
Udipi Taluk, South Kanara Dt.

89
Health (3)

NO. 58725/51

Memo. NO. 58725 C/51-1, Health S 5-12-51

WJ/5.12

AF
5/12

In: Medical Institutions - Rural
dispensary at Vandse, South Kanara
Dt. - Sumathi Albinia D'Souza
Examination Assistant - Termination
of her services - Appeal petition against
~~the D.M.'s order~~

PP. 1-6 CF.

Ref: Appeal petition by Albinia D'Souza S 26-11-5

To
✓ The D.M.S.
(with a copy of PP. 1-2 CF.)

Referred to the D.M.S. per early
remarks.

MAY
3/12/51
WRP
3-12-51

LG
4/12
51

SRK
5-5-12-51

Medical Department.

From

Dr. P. Arunachalam, MD., MRCP., TDD., DMR (Lond),
Director of Medical Services, Madras 6.

To

The Secretary to Government,
Health Department, Madras.

R.No. 122991-G.2/51, dated 29. December 1951.

Sir,

Sub:-Medical Institutions - Rural dispensary, Vandse, South Kanara District - Srimathi Albina D'Souza, Ex-Maternity Assistant - Termination of service - Appeal petition - Remarks offered -

Ref:-Government Memo. No. 58725-L/51-1 Health dated 5-12-51.

1 I enclose ~~a~~ copy of letter Roc.No. 5438 HC/51* dated 18-12-51 from the District Medical Officer, South Kanara, on the appeal petition of Srimathi Albina D'Souza, Ex-Maternity Assistant and the complete file connected with the termination of her services.

2 It will be seen from the papers that the Maternity Assistant resigned her appointment at Kokarne and was reappointed at Vandse on 10-5-1950. Her services were not satisfactory and the District Medical Officer terminated her services in his proceedings Roc.No. 5049-HC/50 dated 28-2-1951.

3 I have no recommendations to make on behalf of the Maternity Assistant.

Yours faithfully,

S. P. Arunachalam
for Director of Medical Services.

*Copy of letter.

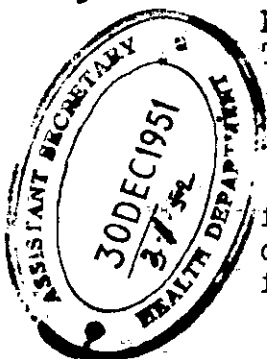
The services of Srimathi Albina D'Souza, ex-maternity assistant, Rural dispensary, Vandse, were terminated after a thorough enquiry. At the time of enquiry, every facility was given to her to cross-examine the witnesses but she did not do so. The Rural Medical Practitioner for the matter of that, no Medical Officer could be having any witness by his side to prove to the misbehaviour of his subordinate

It will be very difficult to maintain discipline if such cases are left off leniently. With sufficient reasons only the Director of Medical Services, Madras, declined to interfere - vide Memorandum P.No. 338 G.2/51 dated 12-11-51.

pvs/28-12.

/True copy/

S. P. Arunachalam
for Director of Medical Services.



Transferred from Section

MK

12/1

15-16

Copy of letter of the District Medical Officer, South Kanara,
to the Director of Medical Services, Roc.No. 1542-HC/51 dated 2-5-51.

Sub:-Ex-Midwife - Rural dispensary, Vandse - Sri Albina D'Souza
appeal petition dated 12-3-51 - Remarks offered.

1 This ex-midwife was formerly attached to the Rural dispensary, Kokkarne, Udipi Taluk, where the Rural Medical Practitioner complained that the midwife was staying about four miles away from the dispensary and was not attending to her work. In her petition dated 21-3-50 she tendered her resignation as midwife, Rural dispensary, Kokkarne and prayed to appoint her in the Rural dispensary, Vandse where a vacancy existed. Thinking that her work would improve in the next station she was appointed as midwife, Rural dispensary, Vandse in this office Memo. Roc.No. 763/50 dated 1-4-50. She reported for duty as midwife, Rural dispensary, Vandse on 10-5-50. In this connection I have to state that a transfer from one Rural dispensary to another was not made. She tendered her resignation as midwife, Rural dispensary, Kokkarne as she found difficult to secure a house in Kokkarne village and therefore was not able to attend the dispensary. Even at the old station she used to correspond direct to this office stating a copy of the same has been sent through the Rural Medical Practitioner which she never did.

FFI-2 (A) 2 On 9-8-50 the Rural Medical Practitioner, Vandse reported to this office that the midwife was not attending the dispensary regularly nor visited the expectant mothers in spite of his repeated requests. That he was receiving oral complaints from the villagers that the midwife was demanding Rs. 10/- for attending the labour cases. That she was sending her leave applications direct to this office, etc. That she refused to take charge of the midwifery outfit when the Rural Medical Practitioner ordered her to receive it.

FFI-4 (A) 3 She was therefore charge-sheeted in this office Roc.No. 3838 HC/50 dated 17-8-50 and was directed to explain the charges. She submitted her explanation with the endorsement of the Rural Medical Practitioner Vandse - vide pages 5, 6 and 7 of the enclosures. The explanation of the midwife was unsatisfactory and was severely warned.

FFI-17-18 (A) 4 The Rural Medical Practitioner in his report dated 5-11-50 stated that in spite of the orders of this office the midwife has refused to accept the midwifery outfit and that she was still disobedient. Hence the following charges were framed against her and she was asked to explain why action should not be taken against her terminating her services. (1) For the failure of acceptance of the midwifery outfit, etc. (2) Failure to submit her progress report (3) Failure to produce her registers to the Rural Medical Practitioner for check and verification of her work. Her explanation was again not satisfactory. On 5-12-50 I received a telegram from the Rural Medical Practitioner stating the midwife's husband and the midwife went to the dispensary and attempted to assault the Rural Medical Practitioner. I therefore directed the Assistant District Medical Officer to hold a thorough enquiry at Vandse on 22-12-50. A detailed enquiry was held on 22-12-50 by the Assistant District Medical Officer obtaining statements from the concerned persons and witnesses. During the enquiry she was given full opportunity to defend herself and cross examine the witnesses.

FFI-85-92 (A) 5 As the allegations made against the midwife have been proved in the course of the enquiry, she was called upon to put in her defence statement which she failed to do. She asked for the copies of the statements and the findings of the enquiry which were sent to her

15/14
2.

through the Rural Medical Practitioner. The Rural Medical Practitioner at the time of handing over the connected papers demanded an acknowledgment for the same which was refused by the midwife - vide pages 103 to 105 of the enclosure. As it was proved during the enquiry that the midwife and her husband were grossly impertinent, was demanding exorbitant fees for labour cases, was not attending the dispensary regularly and was highly unpopular, I was constrained to terminate her services.

/True copy/

S. M. A. ...
for Director of Medical Services.

pvs/29-12.

h. m. /n

p 99 (A)

p 101-105 (A)

p 107 (A)

C. no. 58725/51
SP-1-bcf.

72/11-11-15 cf.

28
14/2

To.

✓ Srimathi. Albina D'Souza.
Reg. Maternity Asst., Sastan
Sastan (Po), Eldiipi taluk.
South Kanara Dt.

Copy to the D. N. S., Plashao-6.
(Keep the Original file at (A))
Copy to the D. N. S., South Kanara.
(Thru D. N. S.)
Copy to the P. O. B., South Kanara.
etc.

17
Health Dept. (D2)

From Srimathi. Albina D'Souza, Ex. Maternity Asst., Vande, South Kanara Dt., Memorial, dated 26.11.1951.
From the D. N. S., Letter no. R. 122991-42/51, dated 29.12.51

Subj. — Memorial — Srimathi. Albina D'Souza, Ex. Maternity Asst., Vande, South Kanara Dt. — Against termination of Services — Orders passed.

Order (N.S.) no. 442 Health D/ 11.2.52
memorialist
The petitioner is informed that the Govt. declines to interfere in the matter.

8.2.52
8/2/52

18/11/52

CN 58725/51 From Srimathi Albinia D'Souza Ex. Maternity Asst Vandse, South Kanara Dt. Memorial dated 26.11.57

F 1-15-58

From the D.M.S., letter No R No 122991-G.2/57. dated 29.12.57

Subject

Memorial - Srimathi Albinia D'Souza Ex. Maternity Assistant, Vandse, South Kanara Dt - Against termination of services

Para 1 - p 134

¶ 1-2 (A)

¶ 98-99-BK/12

¶ 3-4 (A)

¶ 9 of (A)

X ¶ 13 (A)

* ¶ 15-16 (A)

Srimathi Albinia D'Souza was the Maternity Assistant of the Rural Dy. of Indigenous Medicine at Vandse South Kanara Dt. from 10.5.50. Prior to that, she was at the Rural Dy at Kokkarne and resigned her job on 21.3.50 and asked for appointment at Vandse. The RMO Vandse reported to the DMO South Kanara about her irregular attendance, failure to visit expectant mothers demanding exorbitant fees and tendency to send her leave applications direct to the DMO. The DMO who is the punishing authority framed charges against the Maternity Asst on 17.8.50 and let her off with a warning. The Maternity Asst did not improve and persisted in her misbehavior and hence the RMO again complained against her to the DMO and to the P.D.B. The DMO who is the authority competent to punish the Maternity Asst framed charges against her on 23.11.50 - vide ¶ 17-18 (A). The explanation of the Maternity Asst to the charges is on ¶ 23-24 (A). The DMO ^{ordered} her Asst to hold an enquiry into the charges at Vandse itself ^{on} receipt of a telegram from the RMO on 5.12.50 ^{stating} reporting that the Maternity Asst and her husband came to assault him. The enquiry was held by the A.DMO at Vandse on 22.12.50. The report of the enquiry and the recommendations of the Enquiry Ctr are on ¶ 85-94 (A). The DMO in his proceedings No Doc 5049/Ho/50 dated 21.2.57 terminated the services of the Maternity Asst. The Maternity Asst appealed to the DMO who is the appellate authority against the orders of the DMO South Kanara. The DMO declined to interfere in the matter ^{on 12.11.57}. The Maternity Asst has therefore memorialised the Govt against the orders of the DMO and the DMO.

@ - 799-BK/12

3 of

¶ 1-2 of

a / by

2. The memorialist has availed herself of the proper channel of redress in her case. The enquiry held against her was in order and the punishment awarded in her case justified in the circumstances of the case. She has failed to comply with the conditions laid down in para 2 of the agreement to be executed by Maternity Aids. There is no case for interference in the matter and the memorialist may be informed that Govt decline to interfere in the matter.

pp 2-3 (X)
A 9034784
11/10/51

3. L.A. may see for remarks if any.

29/1/52

28/5/52

L.A.

L.A. (G)

The notes of the Health Department at pp 1-2 above may be perused. This Department may agree with A above. The file may be returned to Health Department.

SRM
2/2/52
2/2/52

2.2.52

Secy

2.2.52

Health.

Health (I) Dept.

The case is explained in the notes on pp 1-2 above.

L.A. agrees with this Dept's proposal at A' above.

Maybe circulated to A.M. (H)

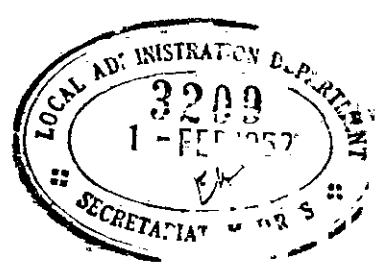
5/2/52

SRK
6252

H.M. (H) 8/2

(P.T.O)

28.0. No 58725 9/52-1, Health
Date 31-1-52



4400 3209/52 (G)
A. 2. 15/4/52



MC
5/2

DS is on Canal
have
SRK



8/2

Halla Defi (D2)

~~Previous note of this Dept at P.P. auto, and the removal~~
~~of the left dept. however, all~~ ^{in the next 5 days} Orders in Circulation at P.P. auto, and
~~may be processed draft Order, is submitted for approval~~

8/2/52
5
8/2/52

8/2/52

[Issued as G.O. (H.S.) No. 442 Halla, dated 8.2.52.]